



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0245

Introduced 1/29/2021, by Rep. Sam Yingling

#### SYNOPSIS AS INTRODUCED:

415 ILCS 120/5  
415 ILCS 120/10  
415 ILCS 120/15  
415 ILCS 120/22  
415 ILCS 120/30  
415 ILCS 120/31  
415 ILCS 120/32  
415 ILCS 120/40  
415 ILCS 120/20 rep.  
415 ILCS 120/24 rep.

Amends the Alternate Fuels Act. Provides that the Act's purpose shall be to encourage the use of electric power (rather than alternate fuel) in vehicles for the purpose of reducing the risks from global warming. Eliminates defined terms. Removes provisions allowing the Department of Commerce and Economic Opportunity to promulgate rules to implement a portion of the Act. Removes provisions specifying rules to be implemented. Eliminates original equipment manufacturer ("OEM") rebates and fuel cost differential rebates. Removes provisions concerning car sharing organizations.

LRB102 10040 CPF 15360 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Alternate Fuels Act is amended by changing  
5 Sections 5, 10, 15, 22, 30, 31, 32, and 40 as follows:

6 (415 ILCS 120/5)

7 Sec. 5. Purpose. The General Assembly declares that it is  
8 the public policy of the State to promote and encourage the use  
9 of electric ~~alternate fuel~~ in vehicles as a means to improve  
10 air quality and reduce the risks from global warming in the  
11 State and to meet the requirements of the federal Clean Air Act  
12 Amendments of 1990 and the federal Energy Policy Act of 1992.  
13 The General Assembly further declares that the State can play  
14 a leadership role in the development of vehicles powered by  
15 electricity ~~alternate fuels~~, as well as in the establishment  
16 of the necessary charging infrastructure to support this  
17 emerging technology.

18 (Source: P.A. 89-410.)

19 (415 ILCS 120/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Agency" means the Environmental Protection Agency.

22 ~~"Alternate fuel" means liquid petroleum gas, natural gas,~~

1 ~~E85 blend fuel, fuel composed of a minimum 80% ethanol, 80%~~  
2 ~~bio-based methanol, fuels that are at least 80% derived from~~  
3 ~~biomass, hydrogen fuel, or electricity, excluding on board~~  
4 ~~electric generation.~~

5 ~~"Alternate fuel vehicle" means any vehicle that is~~  
6 ~~operated in Illinois and is capable of using an alternate~~  
7 ~~fuel.~~

8 ~~"Biodiesel fuel" means a renewable fuel conforming to the~~  
9 ~~industry standard ASTM D6751 and registered with the U.S.~~  
10 ~~Environmental Protection Agency.~~

11 ~~"Car sharing organization" means an organization whose~~  
12 ~~primary business is a membership-based service that allows~~  
13 ~~members to drive cars by the hour in order to extend the public~~  
14 ~~transit system, reduce personal car ownership, save consumers~~  
15 ~~money, increase the use of alternative transportation, and~~  
16 ~~improve environmental sustainability.~~

17 ~~"Conventional", when used to modify the word "vehicle",~~  
18 ~~"engine", or "fuel", means gasoline or diesel or any~~  
19 ~~reformulations of those fuels.~~

20 "Covered Area" means the counties of Cook, DuPage, Kane,  
21 Lake, McHenry, and Will and those portions of Grundy County  
22 and Kendall County that are included in the following ZIP code  
23 areas, as designated by the U.S. Postal Service on the  
24 effective date of this amendatory Act of 1998: 60416, 60444,  
25 60447, 60450, 60481, 60538, and 60543.

26 "Director" means the Director of the Environmental

1 Protection Agency.

2 ~~"Domestic renewable fuel" means a fuel, produced in the~~  
3 ~~United States, composed of a minimum 80% ethanol, 80%~~  
4 ~~bio-based methanol, or 20% biodiesel fuel.~~

5 ~~"E85 blend fuel" means fuel that contains 85% ethanol and~~  
6 ~~15% gasoline.~~

7 "Electric vehicle" means a vehicle that is licensed to  
8 drive on public roadways, is predominantly powered by, and  
9 primarily refueled with, electricity, and does not have  
10 restrictions confining it to operate on only certain types of  
11 streets or roads.

12 "GVWR" means Gross Vehicle Weight Rating.

13 "Location" means (i) a parcel of real property or (ii)  
14 multiple, contiguous parcels of real property that are  
15 separated by private roadways, public roadways, or private or  
16 public rights-of-way and are owned, operated, leased, or under  
17 common control of one party.

18 ~~"Original equipment manufacturer" or "OEM" means a~~  
19 ~~manufacturer of alternate fuel vehicles or a manufacturer or~~  
20 ~~remanufacturer of alternate fuel engines used in vehicles~~  
21 ~~greater than 8500 pounds GVWR.~~

22 "Rental vehicle" means any motor vehicle that is owned or  
23 controlled primarily for the purpose of short-term leasing or  
24 rental pursuant to a contract.

25 (Source: P.A. 97-90, eff. 7-11-11.)

1 (415 ILCS 120/15)

2 Sec. 15. Rulemaking. The Agency shall promulgate rules and  
3 dedicate sufficient resources to implement the purposes of  
4 Section 30 of this Act. Such rules shall be consistent with the  
5 provisions of the Clean Air Act Amendments of 1990 and any  
6 regulations promulgated pursuant thereto. The Secretary of  
7 State may promulgate rules to implement Section 30 and Section  
8 35 of this Act. ~~The Department of Commerce and Economic~~  
9 ~~Opportunity may promulgate rules to implement Section 25 of~~  
10 ~~this Act.~~

11 (Source: P.A. 94-793, eff. 5-19-06.)

12 (415 ILCS 120/22)

13 Sec. 22. Electric ~~Flexible fuel~~ vehicle database. The  
14 Secretary of State shall, to the extent that the necessary  
15 information is obtainable from automobile manufacturers,  
16 compile a database of the electric ~~flexible fuel~~ vehicles in  
17 the State by zip code area. The database shall be created based  
18 upon the make, model, and vehicle identification number of  
19 registered vehicles. The database shall include only the  
20 number of vehicles by zip code and shall be completed and made  
21 available to the public in both print and electronic format by  
22 January 1, 2005. ~~For the purposes of this Section, "flexible~~  
23 ~~fuel vehicle" means a vehicle that is capable of running on E85~~  
24 ~~blend fuel.~~

25 (Source: P.A. 93-913, eff. 8-12-04.)

1 (415 ILCS 120/30)

2 Sec. 30. Rebate and grant program.

3 (a) Beginning January 1, 2020 ~~1997~~, and as long as funds  
4 are available, each owner of an electric ~~alternate fuel~~  
5 vehicle shall be eligible to apply for a rebate. ~~Beginning~~  
6 ~~July 1, 2005, each owner of a vehicle using domestic renewable~~  
7 ~~fuel is eligible to apply for a fuel cost differential rebate~~  
8 ~~under item (3) of this subsection.~~ The Agency shall cause  
9 rebates to be issued under the provisions of this Act. ~~An owner~~  
10 ~~may apply for only one of 3 types of rebates with regard to an~~  
11 ~~individual alternate fuel vehicle: (i) a conversion cost~~  
12 ~~rebate, (ii) an OEM differential cost rebate, or (iii) a fuel~~  
13 ~~cost differential rebate.~~ Only one rebate may be issued with  
14 regard to a particular electric ~~alternate fuel~~ vehicle during  
15 the life of that vehicle. A rebate shall not exceed \$24,000  
16 ~~\$4,000~~ per vehicle. Over the life of this rebate program, an  
17 owner of an electric ~~alternate fuel~~ vehicle ~~or a vehicle using~~  
18 ~~domestic renewable fuel~~ may not receive rebates for more than  
19 15 ~~150~~ vehicles per location or for 30 ~~300~~ vehicles in total.

20 ~~(1) A conversion cost rebate may be issued to an owner~~  
21 ~~or his or her designee in order to reduce the cost of~~  
22 ~~converting a conventional vehicle or a hybrid vehicle to~~  
23 ~~an alternate fuel vehicle. Conversion of a conventional~~  
24 ~~vehicle or a hybrid vehicle to alternate fuel capability~~  
25 ~~must take place in Illinois for the owner to be eligible~~

1 ~~for the conversion cost rebate. Amounts spent by~~  
2 ~~applicants within a calendar year may be claimed on a~~  
3 ~~rebate application submitted within 12 months after the~~  
4 ~~month in which the conversion of the vehicle took place.~~  
5 ~~Approved conversion cost rebates applied for during or~~  
6 ~~after calendar year 1997 shall be 80% of all approved~~  
7 ~~conversion costs claimed and documented. Approval of~~  
8 ~~conversion cost rebates may continue after calendar year~~  
9 ~~2002, if funds are still available. An applicant may~~  
10 ~~include on an application submitted in 1997 all amounts~~  
11 ~~spent within that calendar year on the conversion, even if~~  
12 ~~the expenditure occurred before promulgation of the Agency~~  
13 ~~rules.~~

14 ~~(2) An OEM differential cost rebate may be issued to~~  
15 ~~an owner or his or her designee in order to reduce the cost~~  
16 ~~differential between a conventional vehicle or engine and~~  
17 ~~the same vehicle or engine, produced by an original~~  
18 ~~equipment manufacturer, that has the capability to use~~  
19 ~~alternate fuels.~~

20 ~~A new OEM vehicle or engine must be purchased in~~  
21 ~~Illinois and must either be an alternate fuel vehicle or~~  
22 ~~used in an alternate fuel vehicle, respectively, for the~~  
23 ~~owner to be eligible for an OEM differential cost rebate.~~  
24 ~~Large vehicles, over 8,500 pounds gross vehicle weight,~~  
25 ~~purchased outside Illinois are eligible for an OEM~~  
26 ~~differential cost rebate if the same or a comparable~~

1 ~~vehicle is not available for purchase in Illinois. Amounts~~  
2 ~~spent by applicants within a calendar year may be claimed~~  
3 ~~on a rebate application submitted within 12 months after~~  
4 ~~the month in which the new OEM vehicle or engine was~~  
5 ~~purchased.~~

6 ~~Approved OEM differential cost rebates applied for~~  
7 ~~during or after calendar year 1997 shall be 80% of all~~  
8 ~~approved cost differential claimed and documented.~~  
9 ~~Approval of OEM differential cost rebates may continue~~  
10 ~~after calendar year 2002, if funds are still available. An~~  
11 ~~applicant may include on an application submitted in 1997~~  
12 ~~all amounts spent within that calendar year on OEM~~  
13 ~~equipment, even if the expenditure occurred before~~  
14 ~~promulgation of the Agency rules.~~

15 ~~(3) A fuel cost differential rebate may be issued to~~  
16 ~~an owner or his or her designee in order to reduce the cost~~  
17 ~~differential between conventional fuels and domestic~~  
18 ~~renewable fuels or alternate fuels purchased to operate an~~  
19 ~~alternate fuel vehicle. The fuel cost differential shall~~  
20 ~~be based on a 3-year life cycle cost analysis developed by~~  
21 ~~the Agency by rulemaking. The rebate shall apply to and be~~  
22 ~~payable during a consecutive 3-year period commencing on~~  
23 ~~the date the application is approved by the Agency.~~  
24 ~~Approved fuel cost differential rebates may be applied for~~  
25 ~~during or after calendar year 1997 and approved rebates~~  
26 ~~shall be 80% of the cost differential for a consecutive~~

1 ~~3 year period. Approval of fuel cost differential rebates~~  
2 ~~may continue after calendar year 2002 if funds are still~~  
3 ~~available.~~

4 ~~Twenty five percent of the amount that is appropriated~~  
5 ~~under Section 40 to be used to fund programs authorized by~~  
6 ~~this Section during calendar year 2001 shall be designated~~  
7 ~~to fund fuel cost differential rebates. If the total~~  
8 ~~dollar amount of approved fuel cost differential rebate~~  
9 ~~applications as of July 1, 2001 is less than the amount~~  
10 ~~designated for that calendar year, the balance of~~  
11 ~~designated funds shall be immediately available to fund~~  
12 ~~any rebate authorized by this Section and approved in the~~  
13 ~~calendar year.~~

14 ~~An approved fuel cost differential rebate shall be~~  
15 ~~paid to an owner in 3 annual installments on or about the~~  
16 ~~anniversary date of the approval of the application.~~  
17 ~~Owners receiving a fuel cost differential rebate shall be~~  
18 ~~required to demonstrate, through recordkeeping, the use of~~  
19 ~~domestic renewable fuels during the 3 year period~~  
20 ~~commencing on the date the application is approved by the~~  
21 ~~Agency. If the vehicle ceases to be registered to the~~  
22 ~~original applicant owner, a prorated installment shall be~~  
23 ~~paid to that owner or the owner's designee and the~~  
24 ~~remainder of the rebate shall be canceled.~~

25 (b) (Blank). ~~Vehicles owned by the federal government or~~  
26 ~~vehicles registered in a state outside Illinois are not~~

1 ~~eligible for rebates.~~

2 ~~(c) Through fiscal year 2013, the Agency may make grants~~  
3 ~~to one or more car sharing organizations located and operating~~  
4 ~~in Illinois for the purchase of new electric vehicles from an~~  
5 ~~Illinois car dealership. A grant may not exceed 25% of the~~  
6 ~~total project cost, including vehicles and supporting~~  
7 ~~infrastructure.~~

8 ~~(1) Once in each fiscal year, a car sharing~~  
9 ~~organization may submit a grant proposal to the Agency.~~  
10 ~~The information in the proposal shall, at a minimum,~~  
11 ~~consist of the following:~~

12 ~~(A) the name, address, and locations of the car~~  
13 ~~sharing organization and its operations within~~  
14 ~~Illinois;~~

15 ~~(B) a description of the car sharing organization,~~  
16 ~~including the number and types of vehicles currently~~  
17 ~~in the fleet and how the vehicles are strategically~~  
18 ~~located to maximize their usage along with a summary~~  
19 ~~of the demographic populations being served;~~

20 ~~(C) a summary of average miles per year driven by~~  
21 ~~the vehicles currently in the fleet;~~

22 ~~(D) a narrative description of the project,~~  
23 ~~including the overall plans of the organization in~~  
24 ~~acquiring electric vehicles, the makes and models and~~  
25 ~~the number of electric vehicles that will be acquired~~  
26 ~~by the funding, estimated purchase costs for each~~

1 ~~vehicle, how the vehicles will be refueled, and~~  
2 ~~whether the refueling locations are available to the~~  
3 ~~public or other entities, are private facilities~~  
4 ~~solely used by the organization, or a combination of~~  
5 ~~both; and~~

6 ~~(E) a detailed project budget, including the costs~~  
7 ~~of vehicles and supporting infrastructure.~~

8 ~~(2) The Agency may award grants and set grant amounts,~~  
9 ~~provided that the total amount of the grants does not~~  
10 ~~exceed the Agency's estimate of the amount of the annual~~  
11 ~~appropriation remaining after all rebates have been~~  
12 ~~submitted and processed.~~

13 ~~(3) In deciding whether to award a grant, the Agency~~  
14 ~~shall consider the overall level of environmental benefits~~  
15 ~~to be realized by the proposed project.~~

16 ~~(4) Grant funds may only be used for purchasing~~  
17 ~~electric vehicles, and shall not exceed 25% of the actual~~  
18 ~~project expenditures. A vehicle purchased using grant~~  
19 ~~funds is not eligible for any rebate authorized by this~~  
20 ~~Section. The grant shall provide funding only for the base~~  
21 ~~Manufacturer's Suggested Retail Price (MSRP) of the~~  
22 ~~vehicle and its electric motors and drivetrain system as~~  
23 ~~depicted on the window sticker or similar documents, and~~  
24 ~~is not to include add-on options such as cabin-related~~  
25 ~~product or component upgrades and extended warranties.~~

26 ~~(5) Within one year after the date of the grant award,~~

1 ~~the grantee shall submit a final report to the Agency. If~~  
2 ~~there are grant funds unspent at that time, the remaining~~  
3 ~~money shall be returned to the Agency. The report shall~~  
4 ~~include the following information:~~

5 ~~(A) the make, model, and model year of each~~  
6 ~~vehicle;~~

7 ~~(B) the dates of vehicle purchases;~~

8 ~~(C) the vehicle identification number (VIN);~~

9 ~~(D) the license plate number and the state of~~  
10 ~~registration;~~

11 ~~(E) a copy of each vehicle's window sticker or~~  
12 ~~similar document showing the base MSRP and all~~  
13 ~~options;~~

14 ~~(F) proof of payment and purchase invoices for the~~  
15 ~~vehicles showing the Illinois car dealership where the~~  
16 ~~vehicles were purchased; and~~

17 ~~(G) a complete financial report for the project.~~

18 ~~(6) Vehicles purchased with grant funds must remain~~  
19 ~~registered and in service with the grantee in Illinois for~~  
20 ~~a minimum of 5 years after purchase. If a vehicle is sold~~  
21 ~~or otherwise taken out of service in Illinois earlier than~~  
22 ~~that time, then the grantee shall refund to the Agency a~~  
23 ~~prorated amount of the grant funds used to purchase that~~  
24 ~~vehicle, except if a vehicle is replaced with a comparable~~  
25 ~~vehicle or can no longer be safely operated due to an~~  
26 ~~accident or other damage.~~

1 (Source: P.A. 96-537, eff. 8-14-09; 96-1278, eff. 7-26-10;  
2 97-90, eff. 7-11-11.)

3 (415 ILCS 120/31)

4 Sec. 31. Electric ~~Alternate Fuel~~ Infrastructure Program.  
5 Subject to appropriation, the ~~Department of Commerce and~~  
6 ~~Community Affairs~~ (now Department of Commerce and Economic  
7 Opportunity) shall establish a grant program to provide  
8 funding for the building of electric vehicle charging ~~and~~  
9 ~~blend, propane, at least 20% biodiesel blended fuel, and~~  
10 ~~compressed natural gas (CNG) fueling~~ facilities, including  
11 private on-site fueling facilities, to be built within the  
12 covered area or in Illinois metropolitan areas over 100,000 in  
13 population. The Department of Commerce and Economic  
14 Opportunity shall be responsible for reviewing the proposals  
15 and awarding the grants.

16 (Source: P.A. 94-62, eff. 6-20-05.)

17 (415 ILCS 120/32)

18 Sec. 32. Electric Vehicle ~~Clean Fuel~~ Education Program.  
19 Subject to appropriation, the Department of Commerce and  
20 Economic Opportunity, in cooperation with the Agency and  
21 Chicago Area Clean Cities, shall administer the Electric  
22 Vehicle ~~Clean Fuel~~ Education Program, the purpose of which is  
23 to educate fleet administrators and Illinois' citizens about  
24 the benefits of using electric vehicles ~~alternate fuels~~. The

1 program shall include a media campaign.

2 (Source: P.A. 94-793, eff. 5-19-06.)

3 (415 ILCS 120/40)

4 Sec. 40. Appropriations from the Alternate Fuels Fund.

5 (a) User Fees Funds. The Agency shall estimate the amount  
6 of user fees expected to be collected under Section 35 of this  
7 Act for each fiscal year. User fee funds shall be deposited  
8 into and distributed from the Alternate Fuels Fund in the  
9 following manner:

10 (1) ~~An In each of fiscal years 1999, 2000, 2001, 2002,~~  
11 ~~and 2003, an amount not to exceed \$200,000, and beginning~~  
12 ~~in fiscal year 2004 an~~ annual amount not to exceed  
13 \$225,000, may be appropriated to the Agency from the  
14 Alternate Fuels Fund to pay its costs of administering the  
15 program ~~programs~~ authorized by Section 30 of this Act. An  
16 ~~Up to \$200,000 may be appropriated to the Office of the~~  
17 ~~Secretary of State in each of fiscal years 1999, 2000,~~  
18 ~~2001, 2002, and 2003 from the Alternate Fuels Fund to pay~~  
19 ~~the Secretary of State's costs of administering the~~  
20 ~~programs authorized under this Act. Beginning in fiscal~~  
21 ~~year 2004 and in each fiscal year thereafter, an amount~~  
22 not to exceed \$225,000 may be appropriated to the  
23 Secretary of State from the Alternate Fuels Fund to pay  
24 the Secretary of State's costs of administering the  
25 programs authorized under this Act.

1           (2) ~~After~~ In ~~fiscal years 1999, 2000, 2001, and 2002,~~  
2 ~~after appropriation of the amounts authorized by item (1)~~  
3 ~~of subsection (a) of this Section, the remaining moneys~~  
4 ~~estimated to be collected during each fiscal year shall be~~  
5 ~~appropriated as follows: 80% of the remaining moneys shall~~  
6 ~~be appropriated to fund the programs authorized by Section~~  
7 ~~30, and 20% shall be appropriated to fund the programs~~  
8 ~~authorized by Section 25. In fiscal year 2004 and each~~  
9 ~~fiscal year thereafter, after~~ appropriation of the amounts  
10 authorized by item (1) of subsection (a) of this Section,  
11 the remaining moneys estimated to be collected during each  
12 fiscal year shall be appropriated as follows: 70% of the  
13 remaining moneys shall be appropriated to fund the  
14 programs authorized by Section 30 and 30% shall be  
15 appropriated to fund the programs authorized by Section  
16 31.

17           (3) (Blank).

18           (4) Moneys appropriated to fund the programs  
19 authorized in Sections ~~25 and~~ 30 and 31 shall be expended  
20 only after they have been collected and deposited into the  
21 Alternate Fuels Fund.

22           (b) General Revenue Fund Appropriations. General Revenue  
23 Fund amounts appropriated to and deposited into the Alternate  
24 Fuels Fund shall be distributed from the Alternate Fuels Fund  
25 in the following manner:

26           (1) In each of fiscal years 2003 and 2004, an amount

1 not to exceed \$50,000 may be appropriated to the  
2 Department of Commerce and Community Affairs (now  
3 Department of Commerce and Economic Opportunity) from the  
4 Alternate Fuels Fund to pay its costs of administering the  
5 programs authorized by Sections 31 and 32.

6 (2) In each of fiscal years 2003 and 2004, an amount  
7 not to exceed \$50,000 may be appropriated to the  
8 Department of Commerce and Community Affairs (now  
9 Department of Commerce and Economic Opportunity) to fund  
10 the programs authorized by Section 32.

11 (3) In each of fiscal years 2003 and 2004, after  
12 appropriation of the amounts authorized in items (1) and  
13 (2) of subsection (b) of this Section, the remaining  
14 moneys received from the General Revenue Fund shall be  
15 appropriated as follows: 52.632% of the remaining moneys  
16 shall be appropriated to fund the programs authorized by  
17 Sections 25 and 30 and 47.368% of the remaining moneys  
18 shall be appropriated to fund the programs authorized by  
19 Section 31. The moneys appropriated to fund the programs  
20 authorized by Sections 25 and 30 shall be used as follows:  
21 20% shall be used to fund the programs authorized by  
22 Section 25, and 80% shall be used to fund the programs  
23 authorized by Section 30.

24 Moneys appropriated to fund the programs authorized in  
25 Section 31 shall be expended only after they have been  
26 deposited into the Alternate Fuels Fund.

1 (Source: P.A. 93-32, eff. 7-1-03; 94-793, eff. 5-19-06.)

2 (415 ILCS 120/20 rep.)

3 (415 ILCS 120/24 rep.)

4 Section 10. The Alternate Fuels Act is amended by  
5 repealing Sections 20 and 24.